UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

TEXAS BANKERS ASSOCIATION; RIO § BANK, MCALLEN, TEXAS; and § AMERICAN BANKERS ASSOCIATION. § § § Plaintiffs, § § Civil Action No. 7:23-cv-00144 v. § CONSUMER FINANCIAL PROTECTION § BUREAU and ROHIT CHOPRA, in his official capacity as Director of the § Consumer Financial Protection Bureau, § § Defendants.

ORDER

Before the Court is the Emergency Motion for Preliminary Injunction (Doc. No. 54) (the "Motion") filed by XL Funding, LLC d/b/a Axle Funding, LLC and Equipment Leasing and Finance Association ("ELFA Intervenors"). Having considered the Motion, relevant docket entries, and applicable law, the Court finds that ELFA Intervenors are likely to succeed on the merits of their claims and that, if the Motion is not granted, ELFA Intervenors, their members, and other financial institutions will be irreparably harmed by Defendants' implementation and enforcement of the Small Business Lending Under the Equal Credit Opportunity Act (Regulation B), 88 Fed. Reg. 35,150, 2023 WL 3723408 (May 31, 2023) (the "Final Rule"), because, pursuant to the ruling by the United States Court of Appeals for the Fifth Circuit in Cmty. Fin. Servs. Ass'n of Am. v. CFPB, 51 F.4th 616 (5th Cir. 2022), cert. granted, 215 L. Ed. 2d 104, 143 S. Ct. 978 (2023) ("Community Financial"), implementation and enforcement of the Final Rule by Defendants is unconstitutional. The Court further finds that the balance of the equities favors a

ORDER PAGE 1 preliminary injunction as to ELFA Intervenors, their members, and any other person or entity in the United States.

Accordingly, the Court **ORDERS** that the Motion is **GRANTED**.

The Court further **ORDERS** that Defendants are hereby preliminarily enjoined from implementing and enforcing the Final Rule against ELFA Intervenors, ELFA's members, and any other person or entity pending the Supreme Court of the United States' decision in *Community Financial*, a trial on the meris of this action, or until further order of this Court.

The Court further **ORDERS** that Defendants shall immediately cease all implementation or enforcement of the Final Rule.

The Court further **ORDERS** that all deadlines for compliance with the requirements of the Final Rule are hereby stayed until after the Supreme Court's final decision *Community Financial*.

The Court further **ORDERS** that, in the event of a reversal by the Supreme Court in *Community Financial*, Defendants shall extend all deadlines for compliance with the Final Rule for ELFA Intervenors, their members, and all other persons and entities subject to the Final Rule for the number of days from July 31, 2023 until the day of reversal in *Community Financial*.

The Court further **ORDERS** that no security bond shall be required under Federal Rule of Civil Procedure 65(c).

SO ORDERED	, at McAllen, Texas.
	The Honorable Randy Crane
	Chief United States District Judge

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